

the Forty-fourth Legislature of the State of Texas; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

SEVENTEENTH DAY

(Thursday, October 10, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Fox
Adamson	Frazer
Adkins	Fuchs
Aikin	Glass
Alexander	Good
Alsup	Graves
Ash	Gray
Atchison	Greathouse
Beck	Hankamer
Bergman	Hanna
Bourne	Hardin
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Broyles	Hartzog
Burton	Head
Butler of Brazos	Herzik
Butler of Karnes	Hill
Cagle	Hodges
Caldwell	Hofheinz
Calvert	Holland
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunt
Colquitt	Hunter
Colson	Hyder
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Crossley	Jones of Atascosa
Daniel	Jones of Falls
Davis	Jones of Shelby
Davison of Fisher	Jones of Wise
Davisson	Keefe
of Eastland	King
Dickison	Knetsch
Dunagan	Lange
Dunlap of Hays	Lanning
Dunlap of Kleberg	Latham
Duvall	Leath
Dwyer	Lemens
England	Leonard
Fain	Lindsey
Farmer	Lotief
Fisher	Lucas
Ford	Luker

Mauritz	Rogers
McCalla	Russell
McConnell	Rutta
McFarland	Scarborough
McKee	Sessions
McKinney	Shofner
Moffett	Smith
Moore	Spears
Morris	Stanfield
Morrison	Steward
Morse	Stinson
Nicholson	Stovall
Olsen	Tarwater
Palmer	Tennyson
Patterson	Thornton
Payne	Tillery
Petsch	Venable
Pope	Waggoner
Quinn	Walker
Reed of Bowie	Wells
Reed of Dallas	Westfall
Riddle	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Worley
Roane	Young
Roark	Youngblood
Roberts	

Absent

Gibson

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Lord, for Thy protecting care through another night we thank Thee. Incline our hearts and our minds to do Thy will, that in working for our fellow men we may be serving Thee. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Reader for today and indefinitely, on motion of Mr. Fain.

Mr. Knetsch for this afternoon, on motion of Mr. McKee.

The following members were granted leaves of absence on account of illness:

Mr. Padgett for this morning, on motion of Mr. Ford.

Mr. Newton for today, on motion of Mr. Caldwell.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pope:

H. B. No. 141, A bill to be entitled "An Act to create the Nueces River Conservation and Reclamation District under the authority of Section 59, of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said Districts, etc., and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Bourne:

H. B. No. 142, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 10, 1935, by the issuance of funding bonds, and setting forth the method of operation, etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Leath:

H. B. No. 143, A bill to be entitled "An Act amending House Bill 492 of the Regular Session of the Forty-fourth Legislature, providing for the clarification of said bill and making appropriation of \$10,000 for carrying out provisions of said bill, providing for the purchase of necessary forms, wages, rent, equipment, and supplies incident to a proper administration of said law for each year of the biennium ending September first, 1937, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Fox and Mr. Graves:

H. B. No. 144, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 24, Acts of the Regular Session, Thirty-eighth Legislature, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Good:

H. B. No. 145, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; providing further that payments shall be made after audit of claim shall have been made by the State Auditor and/or Comptroller and approved by the Attorney General; making appropriation to the Governor to pay expenses of returning fugitives on Governor's requisitions; and declaring an emergency."

Referred to the Committee on Claims and Accounts.

By Mr. Adkins and Mr. Fox:

H. B. No. 146, A bill to be entitled "An Act providing for the payment of the salary of Ex-Officio Superintendents of Public Instruction in all counties in Texas having not less than ten thousand, three hundred and fifty (10,350) and not more than ten thousand, three hundred and sixty (10,360), and in all counties in Texas having not less than eight thousand, six hundred and seventy (8,670) and not more than eight thousand, six hundred and eighty (8,680) inhabitants, according to the last preceding Federal Census, from the State Available Funds; etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Hyder and Mr. Farmer:

H. B. No. 147, A bill to be entitled "An Act making an appropriation of \$259.44 to pay W. P. McLean, Jr. for twenty-four days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of \$306.88, to Alvin C. Owsley for twenty-eight days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Lucas and Mr. Farmer:

H. B. No. 148, A bill to be entitled "An Act making an appropriation to the State Tuberculosis Sanatorium at Sanatorium, Texas, for the purpose of constructing additional buildings, equipping same including utility connections, and the construction of tunnels from the present buildings to the

new hospital units, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Stanfield:

H. B. No. 149, A bill to be entitled "An Act amending Section 13, House Bill No. 978, Chapter 337, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

MESSAGE FROM THE SENATE

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 101, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County, made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all state ad valorem taxes levied or to be levied on property in said County, including the rolling stock of railroads and three-fourths of the state occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

(With amendments.)

H. B. No. 114, A bill to be entitled "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precincts Numbers one, two, and four as described in the minutes of the Commissioners' Court of said county, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, pages 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the state ad valorem taxes levied and col-

lected in said districts for general state purposes on all property both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second, and Third Called Sessions, and declaring an emergency."

(With amendments.)

Adopted: H. C. R. No. 14, Granting right to use certain highway equipment.

Respectfully,

BOB BARKER,
Secretary of the Senate.

AUTHORIZING USE OF CERTAIN STATE EQUIPMENT

Mr. Frazer offered the following resolution:

H. C. R. No. 16, Authorizing the use of certain State Highway Equipment.

Whereas, State Highway No. 43 passes on the west side of the public square of the City of Hearne; and

Whereas, The citizens of Hearne are desirous of paving streets around said public square; and

Whereas, The amount of work to be done in so paving the streets around such public square is too small for the parties interested to let said paving by private contract; and

Whereas, The State Highway Department has paving equipment now located in Robertson County; and

Whereas, The City of Hearne and the County of Robertson do not have the equipment with which to do said work themselves; and

Whereas, The law does not permit the State Highway Department to loan its equipment to any citizen or group of citizens for the purpose of doing pavement work; and

Whereas, It is believed to be advantageous to the people of Robertson County and to the State at large that the streets around said square be paved; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Highway Department be, and it is hereby, authorized to loan to the City of Hearne and the County of Robertson

any of said Department's paving equipment with which to pave streets around and near the public square in the City of Hearne on the condition that the City of Hearne and the County of Robertson pay all expenses and charges incurred and incident to the paving of the streets aforesaid, and that the State Highway Department in no event is to be liable for any expenses or damages that may be suffered by anyone in the performance of said paving work, and that the City of Hearne and the County of Robertson shall return to the State Highway Department said paving equipment immediately upon the completion of said work, in as good condition as when the said equipment was loaned to the said City of Hearne and County of Robertson.

The resolution was read second time, and was adopted.

TO PROVIDE FOR THE APPOINTMENT OF CERTAIN COMMITTEE

Mr. Caldwell offered the following resolution:

Whereas, Under Chapter 124, Acts of the Regular Session of the Forty-fourth Legislature an appropriation of Three Million Dollars (\$3,000,000.00) was made for the purpose of assisting in the creation and establishment of the Texas Centennial; and

Whereas, The Legislature has heretofore made provision for the establishment of a Commission of Control for the purpose of allocating the appropriation in accordance with the provisions of said Chapter; and

Whereas, The Act appropriating said Three Million Dollars (\$3,000,000.00) authorized the Board of Control to audit the books of the Centennial after the Exposition has closed, but makes no provision in said Act for any supervision on the part of either the Board of Control or the Commission of Control for the supervision of concessions, privileges, rentals, leases, and other sources of income by which the State expects to receive back the Three Million Dollars (\$3,000,000.00) heretofore appropriated; and

Whereas, The Legislature should have some means of determining whether or not the interest of the State is being guarded in the granting of concessions, privileges, rentals, leases, etc; therefore, be it

Resolved, That the Speaker of the House appoint three members of the House of Representatives to examine the manner in which leases, rentals, privileges, concessions, and admissions are to be handled on the part of the Texas Centennial Commission, and that said committee be instructed to advise with the Board of Control and the Commission of Control concerning the character of records that shall be kept on the part of the Texas Centennial Exposition in order that upon a final audit of the books of said Exposition, the State will not be at a loss to determine its proper share of the revenues, and that the committee be further instructed to determine with the Board of Control and the Commission of Control, the manner in which the Centennial Exposition proposes to safeguard the percentage of receipts which the State is entitled to receive; that said committee shall report back to the Legislature at its next Regular Session its recommendations concerning the character of reports that should be required on the part of the State for the protection of its investment in such Exposition.

The sum of \$500.00, or as much thereof as may be necessary, is hereby appropriated out of the Contingent Expense Fund for the purpose of defraying actual expenses of said committee.

The resolution was read second time.

Mr. Lanning moved that the resolution be referred to the Committee on State Affairs.

Mr. McConnell raised the following point of order on further consideration of the resolution:

"Mr. Speaker: I raise the point of order against this resolution, that it goes further than to investigate the books of the Commission and its activities, but seeks to set up a committee clothed with executive powers to help direct the duties of the commission; and such designated authority could only be given by a bill passed by both Houses and signed by the Governor, and even then the House Members would be ineligible for such a position."

Mr. Aikin raised a point of order on further consideration of the resolution by Mr. Caldwell at this time, on the ground that the time allotted for

consideration of resolutions has expired.

The Speaker sustained the point of order raised by Mr. Aikin.

Mr. Caldwell moved that the time allotted for the consideration of resolutions be extended at this time for the purpose of considering the above resolution.

The motion was lost.

Mr. Caldwell asked unanimous consent of the House that the resolution be referred to the Committee on State Affairs.

There was no objection offered and it was so ordered.

BILL ORDERED PRINTED

Mr. Hunt moved that House Bill No. 42, reported adversely with a minority favorable report, be printed.

Question recurring on the motion by Mr. Hunt, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—60

Adamson	Hofheinz
Adkins	Holland
Aikin	Howard
Alsup	Huddleston
Atchison	Hunt
Beck	James
Bourne	Jones of Falls
Bradbury	Jones of Wise
Broyles	Keefe
Cagle	Knetsch
Calvert	Lanning
Canon	Lucas
Cowley	Luker
Craddock	Morse
Crossley	Palmer
Dickison	Patterson
Dwyer	Payne
England	Quinn
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Roach of Angelina
Ford	Scarborough
Fuchs	Sessions
Glass	Shofner
Graves	Tillery
Greathouse	Wells
Hardin	Westfall
Head	Wood of Montague
Herzik	Worley
Hodges	Youngblood

Nays—52

Alexander	Bergman
Ash	Bradford

Burton	Leonard
Butler of Brazos	Lindsey
Butler of Karnes	Lotief
Caldwell	Mauritz
Clayton	McCalla
Cooper	McConnell
Dunlap of Hays	McKinney
Duvall	Moffett
Frazer	Moore
Gray	Petsch
Hankamer	Roane
Hanna	Roark
Harris of Archer	Rogers
Harris of Dallas	Russell
Hartzog	Steward
Hoskins	Stinson
Hunter	Stovall
Hyder	Tarwater
Jackson	Tennyson
Jefferson	Thornton
King	Waggoner
Lange	Walker
Latham	Wood of Harrison
Leath	Young

Absent

Celaya	Lemens
Collins	McFarland
Colquitt	McKee
Colson	Morris
Daniel	Morrison
Davis	Nicholson
Davison of Fisher	Olsen
Davisson	Pope
of Eastland	Riddle
Dunagan	Roach of Hunt
Dunlap of Kleberg	Roberts
Fox	Rutta
Gibson	Smith
Good	Spears
Hill	Stanfield
Jones of Atascosa	Venable
Jones of Shelby	

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

BILLS ORDERED NOT PRINTED

On motion of Mr. Tarwater, House Bill No. 123, was ordered not printed.

On motion of Mr. Howard, House Bill No. 139, was ordered not printed.

HOUSE BILL NO. 125 ON FINAL PASSAGE

Mr. Hoskins moved to reconsider the vote by which House Bill No. 125 was passed.

The motion to reconsider prevailed.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 125 by adding new section to read as follows:

"Provided no person shall be employed under this Act to perform the duties of an attorney who has been employed by any public utilities during the past five (5) years."

Mr. Graves raised a point of order on further consideration of the amendment by Mr. Lotief, on the ground that the amendment seeks to amend a bill by indirection, which was heretofore passed, and is not germane to the bill offered at this time.

The Speaker sustained the point of order.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 125 by changing words and figures "ten thousand dollars (\$10,000)" to "five thousand (\$5,000) dollars."

On motion of Mr. Hoskins, the amendment was tabled.

Mr. Aikin offered the following amendment to the bill:

Amend House Bill No. 125 by adding after the words "\$10.00" the following: "which shall be paid back to the State from the first funds available."

AIKIN,
REED of Bowie.

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 125 was then passed by the following vote:

Yeas—110

Adamson	Colquitt
Adkins	Colson
Ash	Cooper
Bergman	Cowley
Bourne	Crossley
Bradbury	Daniel
Bradford	Davison of Fisher
Broyles	Davison
Burton	of Eastland
Butler of Brazos	Dickison
Butler of Karnes	Dunagan
Caldwell	Dunlap of Hays
Calvert	Duvall
Canon	Dwyer
Celaya	England
Clayton	Fain
Collins	Farmer

Fisher	Mauritz
Ford	McConnell
Fox	McFarland
Frazer	McKinney
Fuchs	Moffett
Glass	Morris
Graves	Morrison
Gray	Morse
Greathouse	Patterson
Hankamer	Payne
Hardin	Petsch
Harris of Archer	Quinn
Harris of Dallas	Reed of Dallas
Hartzog	Riddle
Head	Roach of Angelina
Herzik	Roach of Hunt
Hill	Roark
Hodges	Rogers
Holland	Russell
Hoskins	Rutta
Howard	Scarborough
Huddleston	Sessions
Hunter	Shofner
Hyder	Smith
Jackson	Stanfield
James	Steward
Jefferson	Stinson
Jones of Shelby	Tarwater
Jones of Wise	Tennyson
Keefe	Thornton
King	Tillery
Knetsch	Walker
Lanning	Wells
Latham	Westfall
Leath	Wood of Harrison
Leonard	Wood of Montague
Lindsey	Young
Lotief	Youngblood
Lucas	

Nays—19

Aikin	Hunt
Alexander	Luker
Alsup	McCalla
Atchison	Palmer
Beck	Reed of Bowie
Cagle	Roane
Craddock	Stovall
Good	Venable
Hanna	Worley
Hofheinz	

Absent

Davis	Moore
Dunlap of Kleberg	Nicholson
Gibson	Olsen
Jones of Atascosa	Pope
Jones of Falls	Roberts
Lange	Spears
Lemens	Waggoner
McKee	

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

HOUSE BILL NO. 101 WITH
SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 101, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County, made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all state ad valorem taxes levied or to be levied on property in said County, including the rolling stock of railroads and three-fourths of the state occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—119

Adamson	Dickison
Adkins	Dunagan
Alexander	Dunlap of Hays
Alsup	Duvall
Ash	Dwyer
Beck	England
Bergman	Fain
Bradbury	Farmer
Bradford	Fisher
Broyles	Ford
Burton	Fox
Butler of Brazos	Frazer
Butler of Karnes	Fuchs
Cagle	Glass
Caldwell	Good
Calvert	Graves
Canon	Gray
Celaya	Greathouse
Clayton	Hankamer
Colquitt	Hanna
Colson	Hardin
Cooper	Harris of Archer
Cowley	Harris of Dallas
Craddock	Hartzog
Daniel	Head
Davisson	Herzik
of Eastland	Hill

Hodges	Morse
Hofheinz	Olsen
Holland	Palmer
Hoskins	Patterson
Howard	Payne
Huddleston	Petsch
Hunt	Quinn
Hunter	Reed of Dallas
Hyder	Riddle
James	Roach of Angelina
Jones of Falls	Roane
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Russell
King	Rutta
Knetsch	Sessions
Lange	Shofner
Lanning	Smith
Latham	Stanfield
Leath	Steward
Leonard	Stinson
Lotief	Tarwater
Lucas	Thornton
Luker	Tillery
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKee	Wood of Harrison
McKinney	Wood of Montague
Moffett	Worley
Morris	Young
Morrison	Youngblood

Nays—6

Aikin	Stovall
Lindsey	Tennyson
Reed of Bowie	Venable

Absent

Atchison	Jones of Atascosa
Bourne	Lemens
Collins	Moore
Crossley	Nicholson
Davis	Pope
Davison of Fisher	Roach of Hunt
Dunlap of Kleberg	Roark
Gibson	Scarborough
Jackson	Spears

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

HOUSE BILL NO. 114 WITH
SENATE AMENDMENTS

Mr. Mauritz called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 114, A bill to be entitled "An Act to aid Wharton County com-

prising one district and that portion of Matagorda County, embraced in Commissioners' Precincts Numbers one, two, and four as described in the minutes of the Commissioners' Court of said county, comprising another district, for the remaining portion of the period of time covered by the release of taxes to said districts as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, pages 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the state ad valorem taxes levied and collected in said districts for general state purposes on all property, both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second, and Third Called Sessions, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Mauritz, the House concurred in the Senate amendments by the following vote:

Yeas—118

Adamson	Dunlap of Hays
Adkins	Duvall
Alexander	England
Alsup	Fain
Ash	Farmer
Bergman	Fisher
Bourne	Ford
Bradbury	Fox
Bradford	Fuchs
Burton	Glass
Butler of Brazos	Hoskins
Butler of Karnes	Howard
Cagle	Huddleston
Caldwell	Hunt
Canon	Hunter
Celaya	Hyder
Clavton	Jackson
Collins	James
Colquitt	Jefferson
Colson	Jones of Falls
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Daniel	King
Davison of Fisher	Knetsch
Davisson	Lange
of Eastland	Lanning
Dickison	Latham
Dunagan	Leath

Lemens	Harris of Dallas
Leonard	Hartzog
Lotief	Head
Lucas	Herzik
Luker	Hodges
Mauritz	Hofheinz
McCalla	Roark
McConnell	Roberts
McFarland	Rogers
McKinney	Russell
Moffett	Rutta
Moore	Sessions
Morris	Shofner
Morrison	Smith
Morse	Stanfield
Nicholson	Steward
Olsen	Stinson
Palmer	Tarwater
Payne	Tennyson
Petsch	Thornton
Quinn	Tillery
Reed of Dallas	Waggoner
Riddle	Walker
Roach of Angelina	Wells
Good	Westfall
Graves	Wood of Harrison
Gray	Wood of Montague
Greathouse	Worley
Hankamer	Young
Hanna	Youngblood
Hardin	

Nays—7

Aikin	Reed of Bowie
Broyles	Stovall
Frazer	Venable
Lindsey	

Absent

Atchison	Holland
Beck	Jones of Atascosa
Calvert	McKee
Crossley	Patterson
Davis	Pope
Dunlap of Kleberg	Roach of Hunt
Dwyer	Roane
Gibson	Scarborough
Harris of Archer	Spears
Hill	

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

RELATIVE TO HOUSE BILL
NO. 121

On motion of Mr. Celaya, the unanimous consent of the House, the caption of House Bill No. 121 was ordered amended to conform to all changes and with the body of the bill.

SENATE BILL NO. 41 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 41, A bill to be entitled "An Act to amend Section 5, Chapter 186, Acts Thirty-ninth Legislature, Regular Session, 1925, so as to permit the State Highway Department, in conjunction with the Bureau of Public Roads, to expend upon roads not a part of the system of State highways, funds specifically appropriated for expenditure on such roads under the National Industrial Recovery Act, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 41 ON THIRD
READING

Mr. Knetsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson	Dickison
Adkins	Dunagan
Aikin	Dunlap of Hays
Alexander	Duvall
Alsup	England
Ash	Fain
Atchison	Farmer
Beck	Fisher
Bergman	Ford
Bourne	Frazer
Bradbury	Fuchs
Bradford	Glass
Broyles	Good
Burton	Graves
Butler of Brazos	Gray
Butler of Karnes	Greathouse
Cagle	Hanna
Caldwell	Harris of Archer
Calvert	Harris of Dallas
Canon	Hartzog
Celaya	Head
Clayton	Hill
Collins	Hodges
Colquitt	Hofheinz
Colson	Hoskins
Cooper	Howard
Cowley	Huddleston
Craddock	Hunt
Crossley	Hunter
Davison of Fisher	Hyder
Davisson	Jackson
of Eastland	James

Jefferson	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Shelby	Riddle
Jones of Wise	Roach of Angelina
Keefe	Roach of Hunt
King	Roberts
Knetsch	Rogers
Lange	Russell
Lanning	Rutta
Latham	Scarborough
Leath	Sessions
Lemens	Smith
Leonard	Spears
Lindsey	Stanfield
Lucas	Steward
Luker	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Waggoner
Moore	Walker
Morris	Wells
Morrison	Westfall
Nicholson	Wood of Harrison
Olsen	Wood of Montague
Palmer	Worley
Patterson	Young
Payne	Youngblood
Petsch	

Present—Not Voting

Roane

Absent

Daniel	Jones of Atascosa
Davis	Lotief
Dunlap of Kleberg	Mauritz
Dwyer	Morse
Fox	Pope
Gibson	Quinn
Hankamer	Roark
Hardin	Shofner
Herzik	Venable
Holland	

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

The Speaker then laid Senate Bill No. 41 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Adamson	Ash
Adkins	Atchison
Aikin	Reck
Alexander	Bergman
Alsup	Bourne

Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Butler of Karnes	Knetsch
Cagle	Lange
Caldwell	Lanning
Calvert	Latham
Canon	Leath
Celaya	Lemens
Clayton	Leonard
Collins	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Luker
Cowley	McCalla
Craddock	McConnell
Crossley	McFarland
Daniel	McKee
Davison of Fisher	Moffett
Davison	Moore
of Eastland	Morris
Dickison	Morrison
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Palmer
Duvall	Patterson
England	Payne
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Frazier	Roach of Hunt
Fuchs	Roberts
Glass	Rogers
Graves	Russell
Gray	Rutta
Greathouse	Scarborough
Hankamer	Sessions
Hanna	Smith
Harris of Archer	Stanfield
Harris of Dallas	Steward
Hartzog	Stinson
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Tillery
Hoskins	Venable
Howard	Waggoner
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jefferson	Youngblood

Present—Not Voting

Roane

Absent

Davis
DwyerFox
Gibson

Good	Petsch
Hardin	Pope
Hill	Quinn
King	Roark
Mauritz	Shofner
McKinney	Spears
Morse	Young

Absent—Excused

Fitzwater	Reader
Newton	Settle
Padgett	

SENATE BILL NO. 20 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 20, A bill to be entitled "An Act making certain appropriations for the hospitalization of indigent tuberculosis patients in private sanatoria within this State; authorizing the Board of Control and the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of such tuberculars under the rules and regulations as at present established by law for admission to the State Tuberculosis Sanatorium, and declaring an emergency."

The bill was read second time.

Mr. Stovall raised a point of order on further consideration of Senate Bill No. 20, on the ground that the bill violates Section 6 of Article XVI, and violates certain other provisions, of the State Constitution.

The Speaker overruled the point of order, and had the following opinion by Scott Gaines, First Assistant Attorney General printed in the Journal:

Office of the Attorney General,
Austin, Texas, October 10, 1935.

Hon. Homer L. Leonard, Chairman of
Appropriations Committee

House of Representatives
State of Texas
Austin, Texas

Dear Sir:

Attorney General McCraw is in receipt of your letter of the 9th instant and has referred the same to the writer for a reply. You refer to Senate Bill No. 20 which is pending in the House (First Called Session, Forty-fourth Legislature) and state

that a point of order has been raised against this Bill upon the grounds that it is violative of Section 6 of Article XVI, of the Constitution. You asked to be advised as to whether or not Senate Bill No. 20 is in violation of Section 6 of Article XVI of the Constitution.

The pertinent part of Section 6 of Article XVI of the Constitution provides:

"No appropriation for private or individual purposes shall be made."

A similar restriction is also contained in Section 3 of Article VIII of the Constitution wherein it is provided that,

"Taxes shall be levied and collected by general laws and for public purposes only."

The foregoing constitutional prohibitions restrict the power of the Legislature in the matter of appropriating public funds. That is to say, it prohibits the Legislature from appropriating public moneys to private individuals and prohibits the use of state funds for any other purposes than public purposes. However, the question of what is a public purpose is held by the authorities to be a question for the Legislature to decide, in respect to which it is vested with large discretion which cannot be controlled by the Courts unless its action is clearly evasive. 59 C. J. 200, paragraph 342; Daggett et al v. Colgan, 28 p. 51.

Senate Bill No. 20 makes an appropriation of \$475,000.00 for the remainder of the biennium ending August 31, 1937, and authorizes the State Board of Control together with the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of indigent tuberculous patients in such private sanatoria, and limiting the amount to be paid per patient per day to the sum of \$2.50.

It is our opinion that the constitutional prohibition against the appropriation of public money for private or individual purposes would not apply to appropriations made by the Legislature in order for it to carry out a governmental duty and function, as in the proper exercise of the police power of the State by providing for the medical care and treatment of its indigent tuberculous patients.

It has been said by the Courts that certain classes of citizens of the State,

such as indigent, infirm and for the mentally and physical defective persons, become direct charges on the body politic, and for this reason, it is necessary that the government for its own preservation and protection provide for the proper care and maintenance of such classes of persons. This character of public expense has been said to stand in exactly the same position as the preservation of law and order. To provide institutions, or to compensate such institutions, for the care and maintenance of this class of persons has for a long time been recognized as a governmental duty, and wherein institutions are properly compensated for the care of indigent, infirm and mentally defective, including certain physical defective persons, such appropriations may well be sustained on this theory. The expenditure of public money for such purposes is and has long been recognized as a function of the government and the manner of the administration and expenditure of public funds in order to accomplish this function is primarily where the validity of such appropriations are brought in question.

Public funds cannot be appropriated to individuals or to private corporations to be administered even though the purposes for which the funds are appropriated is a public one. Public funds can only be administered and expended through public agents or public officers. Senate Bill No. 20 recognizes this fact because it designates the Superintendent of the State Tuberculosis Sanatorium as the public agent through which the funds are to be expended and administered under the direction and approval of the State Board of Control, a state agency.

Such private institutions with which contracts may be made for the hospitalization of indigent tuberculous patients can only be compensated for services actually performed within the limitations of the appropriation made in said Act. Therefore, such private institutions are not receiving an appropriation within the meaning of Section 6 of Article XVI of the Constitution, but are simply being compensated for services performed under a valid contract with the State.

The individual patients are not receiving an appropriation within the meaning of Section 6 of Article XVI by the government, but the government is simply providing a means whereby

such patients may be treated and restored to health in the performance of a governmental function and duty which the government not only owes to the individual but to the citizens generally in order to protect the health, happiness and general welfare of the public."

Yours very truly,

SCOTT GAINES,

First Assistant Attorney General.
SG:el

Question—Shall Senate Bill No. 20 pass to third reading?

CONFERENCE COMMITTEE ON SENATE BILL NO. 19

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 19:

Messrs. Good, Shofner, Aikin, Roberts and Stinson.

SPECIAL COMMITTEE REPORTS

The following reports were submitted by the committee heretofore appointed to investigate the relief situation in Tarrant County:

Austin, Texas, October 8, 1935.

To the Hon. Coke R. Stevenson, Speaker, and Members of the House of Representatives, Austin, Texas.

Sirs: We, your Committee, appointed by the Speaker, pursuant to the provisions of House Simple Resolution No. 6, as amended, to investigate the Federal and State Relief as administered in Tarrant County, beg leave to report that we have concluded our investigation and submit the following report:

The resolution as drafted by its author contains seven charges, namely:

1. That the administration of relief in Tarrant County had been conducted in a discriminatory manner.

2. That the manner of administration by case workers contained a system that placed the sole discretion in the case worker as to whether or not relief would be granted, and that there was no appeal from the judgment of the case worker as to whether or not relief would be granted to individual distressed citizens.

3. That the present and former administrators refused to grant a hearing to complaining distressed

citizens upon the manner in which relief was administered by the case workers.

4. That the relief law is being violated in many respects in that a political machine has been created, and favorites are kept in employment when not in need, in preference to those more capable that needed relief, and have kept the records secret.

5. That relief as administered in Tarrant County had become a racket for the benefit of favorites with political power.

6. That there has been defalcation and embezzlement of funds, padding of payrolls and other misuses of public funds and public supplies designed for the benefit of financially distressed persons.

7. That citizens have been denied access to public records of relief administration as required by law, and that same has been done to cover up law violations.

8. That employees have used the funds and supplies for their own benefit in violation of law and that such acts have been made public and that such employees, nevertheless, have been retained by the Administrator.

9. That employees have taken advantage of the needy, and advised distressed women to practice immorality to get help and that men have taken advantage of women, and such characters have been retained by the administration.

That these charges have been made known to the State Board of Relief and they have refused to appoint a grievance committee as provided by law.

That these complaints have gone in a circle of buck-passing from Fort Worth to Washington, then to Austin and back to Fort Worth.

10. That the County Board is a figure-head and refuses to hear complaints, that armed guards halt complaining witnesses and that distressed citizens are not granted a hearing.

Findings and Conclusions

Upon these charges we, your committee, find and conclude as follows:

Upon the first count contained in the resolution we find that considerable evidence was introduced to substantiate the charges, and in some in-

stances we find that the conduct of relief as administered in Tarrant County was not uniform in that many families receive more than others. Evidence was offered by the Administrator and other relief workers who testified that the amount of relief granted to different families varied on account of some families being in greater distress than others.

1. We conclude upon this count that the funds available to each family were limited and that the charge should be substantiated. At least in several instances some families received more than others who were undoubtedly in greater distress.

2. We have further concluded that the charges made in the second count should be sustained in many instances in that several of the case workers revealed an improper attitude toward distressed citizens and it was proven that some case workers did not have a comprehensive grasp of the real spirit of the law as it was intended to administer relief with consideration and compassion for those in distress.

3. We find the charges made in count three to be substantially true in that those citizens having complaints to make were not granted an interview by the Administrator. We further find in this connection that it would have been almost impossible for the Administrator personally to hear the complaints of every aggrieved client.

4. Upon the fourth count we find that the testimony was undisputed to the effect that many are employed with the relief administration who are not entitled to such employment as a matter of law, because we believe that if diligence had been exercised in obtaining employees for the administration of relief that a sufficient number could have been obtained from the great number of people who are now in distress, to fill all appointments.

5. We believe that our findings on count four will cover the charges made in count five.

6. Upon this count we find that there was evidence of many irregularities and law violations, but we were unable to obtain conclusive evidence sufficient to convict any particular individual of embezzlement of public funds or of padding the

payrolls. In this connection we find that while there was much evidence of such, that the Tarrant County Grand Jury in two instances refused to return indictments.

7. We find that access to public records were denied the public, and this charge is sustained.

We conclude that records of the relief administration excluding the case records of each individual client, should be open for reasonable inspection by the public. The testimony introduced was not sufficient to prove that the exclusion of the public from access to these records was done to cover up law violations. This is a problem for the Tarrant County Grand Jury.

8. There was evidence that supplies were taken from the supply depot under circumstances that were suspicious, but the employees involved submitted evidence explaining specific charges of these allegations, and from the evidence we were not able to conclude that there was theft.

9. There was no sufficient evidence introduced to warrant the filing of this charge.

10. We find that the State Board of Relief comprising the Board of Control has a very general knowledge of the affairs of the administration of relief. We further find that the duties of this board are now so onerous that under the circumstances they have performed their duties with credit to themselves.

We find that there was much so-called buck-passing as alleged in this charge with an utter lack of any disposition upon the part of the administration to fix responsibility upon those offending. We condemn this attitude.

We finally recommend that the system used by the Relief Commission should not be employed in any connection with the administration of the proposed Old Age Pension Laws.

In submitting this report we call the attention of the Legislature to the makeshift fashion in which the administration of relief was originally constituted. The Federal and State governments exercising extraordinary powers, appropriated millions for the relief of the financially distressed citizenship. This distress was acute and in many parts of the State the need of assistance to indi-

vidual citizens was great, and therefore the resultant haste in setting up the personnel for the administration of National and State relief should remind any prudent minded person that the administration could by no means be perfect, but on the other hand, misunderstanding and confusion was inevitable.

Under our system of government it is possible that as a whole another and different plan of administration may have resulted in as much or more criticism than the system adopted.

Respectfully submitted,

BUTLER of Brazos,
Chairman,
GREATHOUSE,
SMITH,
DAVISON of Fisher.

I agree to the conclusion of the majority that the Old Age Pension Law should not be administered by the relief system, but desire to give fuller reasons why.

FARMER.

THE MINORITY REPORT OF THE
SPECIAL COMMITTEE INVESTIGATING THE ADMINISTRATION OF RELIEF IN
TARRANT COUNTY,
TEXAS

To the Hon. Coke R. Stevenson,
Speaker, and to the House of
Representatives:

I, Clarence E. Farmer, a member of the Committee of the House of Representatives, appointed to investigate the administration of relief in Tarrant County, Texas, under authority of House Simple Resolution No. 6, passed by the House on the 19th day of September, 1935; and by virtue of Supplemental House Simple Resolution No. 25, passed on the 27th day of September, 1935, by which last resolution Mr. George Butler and Mr. Howard Davison were added to the committee of three first appointed under said House Simple Resolution No. 6, do make the following minority report:

1

This being the First Called Session of the Forty-fourth Legislature, the said committee is limited in its powers by virtue of Sec. 40 of Art. 3, of the Constitution of Texas, and the interpretation thereof by the Court

of Criminal Appeals in the case of Ex Parte Wolters found in 144 SW Reporter; which authorities limit the investigation to matters that have to do with subjects submitted by the Governor for consideration. The Governor has submitted to this First Called Session the subject of enacting an Old Age Assistance Law for those 65 years of age and over.

By this resolution, No. 6, it was intended to find out the workings of the Relief Administration in Tarrant County, Texas, and ascertain whether such relief set-up would be desirable for the administration of an old age relief system in Texas.

2

This committee at first composed of three members spent the days of September 21, 22, 23 in the City of Fort Worth, making thorough investigation and thereafter spent the days of September 28 and 29 in the said city with the increased membership of two. The committee also held two meetings in the City of Austin and made certain inquiries of the Board of Control and others administering relief in Texas. This committee developed a great mass of testimony tending to support the allegations contained in House Simple Resolution No. 6. This testimony was taken down by a competent stenographer and is in shorthand notes, but has not been transcribed. The expense for transcription of said notes and the printing thereof would far exceed the \$200, allowed by the House for this investigation. The committee does not recommend the transcribing of this testimony at this time, but do inform the House that said notes have been carefully preserved and would be accessible, if the occasion arises for such transcription.

There are many "exhibits," consisting of letters, affidavits, and other written matter, including a lengthy transcript of the testimony adduced in a secret hearing by the Tarrant County Board of Relief in August of 1934.

3

The expenses of this investigation have not consumed the \$200.00 allowed by the House. The committee was fortunate in having many witnesses appear before it without charge. In fact, only one witness fee of One Dollar (\$1.00) was paid. It

had no charge for sheriff's fees; and the main expense being the living and traveling expenses of the committee, and the pay for services of the Court Reporter and his expenses.

4

The committee made investigation of all the allegations contained in House Simple Resolution No. 6, as to the conduct of the administration of relief in Tarrant County. At times the evidence was conflicting and the committee was not fully convinced as to all things alleged, but they are unanimous in the opinion that many of the allegations were proven beyond a reasonable doubt.

I am aware that but three months remain for which appropriations have been made by the State of Texas to take care of those in distress, and the amount that may be appropriated and awarded by the Federal government to Texas before January, 1936, is uncertain. The work of P. W. A. and W. P. A. is yet uncertain and I do not know what will flow from these administrations to relieve the State of Texas of its duty to take care of its distressed and needy. This is a problem that another session of the Legislature will have to deal with, in case this distressful emergency continues.

5

The committee unanimously agree and recommend that the set-up for relief administration as exemplified in Tarrant County, Texas, should not be used for the administration of old age relief in the State of Texas; because it has many fatal deficiencies, which would work to the harm of the old people. The committee believes that the case-worker system as exemplified in such relief system would not be helpful in administering old age assistance, for the reason that there is a lack of coordination, good judgment, and efficiency. Partiality and discrimination, prejudice and bias, have too often influenced the mind of the young case worker where the circumstances call for mature deliberation and sound judgment, motivated by intense desire to award relief where needed; and that further calls for the outflowing of the milk of human kindness from a heart burning with a desire to be helpful to those in distress.

6

This recommendation stands paramount in this investigation; but I desire to make certain other observations for the benefit of the Members of the House, and to call the attention of the State Board of Relief to certain errors, hoping that they will take notice and correct what I deem to be things oppressive of the needy.

I found many instances of discrimination on the part of case workers toward relief clients which should not have occurred, and found that the administration of this relief is left almost entirely up to the case workers' discretion. We found a case worker that denied relief to a poor young mother 18 years of age with a 14-months-old baby boy. Her father had testified the day before at a hearing of the investigating committee. The young mother had been deserted by her husband and she desired a shirt for her old father and some milk for her baby boy. This was denied her. The same case worker went a few doors away and issued tickets for 20 quarts of milk for another family of three where the father was able-bodied and the boy was 14 years old. We found another case worker that has issued tickets for 28 quarts of milk to a negro woman.

I found that there was no systematic handling of the relief, in that some case workers would try to be fair while others seemed to be prejudiced against certain relief clients, and biased in favor of other clients.

I think this was largely due to the fact that there were no certain rules and regulations published in compliance with law in pamphlet form by the Board of Control or the State Administrator for public distribution, whereby the public on relief could inform itself of its rights. Even the card issued by the relief administration setting forth the amount of surplus commodities to be allowed to families of different sizes was not put on a bulletin board or distributed so that the people might know what they were entitled to, as we found was done in the great City of Chicago where this public information was distributed generally in circular form. I do not approve of this secret method for the distribution of relief.

In many cases I found the case workers did not have the sympathetic feelings and kind attitude toward the distressed citizen that they ought to have.

I found that the Board of Control has failed and refused to appoint in accordance with Section 17 of Chapter 30, Regular Session, Forty-fourth Legislature, a grievance committee upon the petition of hundreds of citizens. I further find that the County Board of Relief has failed to function as a grievance board; because of this the aggrieved citizen has had no place to take his complaint, or to any higher authority to whom he could appeal for redress of his grievance. I recommend that there should be provided a place and authority where the injured party could go as a matter of right with his appeal and get justice.

The fact that the case worker is the sole arbiter of relief and that there is no place of appeal from her decision, I believe to be the main causes of complaint.

I further find that the Administrator is not supreme in the administration of relief in the county, but that he is hampered by a division of authority, I further find that there is lack of coordination and the proper cooperation. I find that he has not the power to hire and fire case workers even upon severest complaint, but that the supervisor of case workers seems to be supreme in her sphere over case workers.

I recommend that the Administrator should have the entire authority in the county over all matters, and that he should be held entirely responsible for the administration and be given the authority to deal with all complaints, and be given help under his direction sufficient to hear and pass on the complaints of aggrieved citizens. The testimony shows that it has been most difficult for a citizen to get a hearing, and in most instances have had to wait for hours and even be forced to go away without a hearing.

I found that the Board of Control has not obeyed the law to require the appointment of those on relief who are competent to administer relief in preference to those who do not need relief. This section of the law that the State Board of Control has failed and refused to comply with

is the last sentence in Subsection (b) of Section 12, Chapter 30, of the Regular Session of the Forty-fourth Legislature.

I do not deem their answers as to why they have not complied with this law sufficient, and suggest that the Legislature should take the proper steps to correct this violation by law.

I find that the larger number of those employed for administering relief in Tarrant County did not need relief and had sufficient income and support from other sources. We found one negro woman used as a supervisor of negro case workers whose salary was \$120.00 per month from relief funds and the salary of her husband was \$190.00 per month from the Federal government as a railway mail clerk. They had no children and yet also had a large income from large real estate holdings. I find that there were others just as competent as she to help administer this relief from among those who needed help. I recommend that the Legislature should take efficient steps to see that those whose places could be filled with competent people from the rolls of relief should be dismissed, and this enforced by penal law.

I am glad to report that the Board of Control has ordered the negro woman dismissed, yet retains others that ought to be dismissed.

I found several employees on the payroll who were connected with those holding political offices and related to them by consanguinity in some instances. I found in instances that both husband and wife were receiving salaries, one from relief funds and the other from some large department store or elsewhere.

I found that the administration had violated the law passed by this Legislature requiring that the lists of those on relief should be open to public inspection. This provision is found in Subsection (c) of Section 12, of said Chapter 30. I deem this to be a salutary provision of the law whereby the help of the public is obtained to keep off of relief rolls those that do not need it. But this administration has kept this information secret, and I do not approve such violations of our law.

As to the misuse of public funds, we received but little testimony; some if unsatisfactory, but there was

enough to show that by the use of competent auditors for some time there could be developed the charges made in the sixth allegation of said Resolution No. 6. Not having the time and the auditors, the committee could not pursue this line any further. I found trucks paid for that were not used; I found wood cut shorter than the rule required; and I found men paid money when the money was for the pay for use of mules; and I found money paid to men which was diverted to other objects; and there was some testimony that supplies had been taken by individuals for their own use without authority.

I criticize the method of distribution of surplus commodities, and find that extra commodities are kept on hand and the distribution is delayed for many days when there is no reason for same. For instance nearly 1800 mattresses are now on hand for distribution and yet there is a rule that same shall not be distributed until about the first of November. We found many in need of them at the present time. Sixty old men above 55 to 70 years of age were found to sleep on the basement concrete floor of the courthouse.

I believe and recommend that more of the money should be used for the purchase of material and that men and women should be employed to make mattresses and comforts and garments for the needy. In this way there would be more self-respect among the relief clients and more good would be done. Wood could be cut and furnished the needy.

I found that scores of children are out of the public schools, because of the lack of food, clothing and shoes. We have spent millions providing the means for education of the youth and every child should be fed and clothed in order that it may have this education for the benefit of the State.

I found that 800 barrels of dried skim milk, 150 pounds each, from New York was shipped to Fort Worth, while there was an abundance of good natural milk from Texas dairies to be had for relief clients.

I found that they have only one relief garden from which to take fresh vegetables, and found that the distribution of these vegetables had a very poor system for getting them speedily to the clients. Often they

withered before being delivered. There ought to have been more such gardens and the distribution of same should be speedy. Doctors prescriptions, recommending the use of green vegetables as a diet went unheeded in many cases, and clients suffered needlessly.

We found that the method of giving milk to children and the infirm was not conducive to the best results. One man had the contract for the delivery of pasteurized milk from eight creameries. This middle-man took a rake-off of one cent for each quart of milk sold. The dairymen of the county had no opportunity to sell their milk to the relief clients and take up a coupon good for one quart of milk. I recommend that there should be a uniform system of issuing coupons good to anyone producing milk in accordance with the sanitary regulations of the city.

I found that the administration of relief does cost too much and that there were too many employees. Since our investigation I have found that they are cutting down the force, which ought to have been done long ago. We found that it costs \$37,000.00 to administer around \$150,000.00 of relief money in that district. This is too high cost. The money to pay the employees is set apart first; the larger number of these employees are drawing the money who have plenty to live on at home; while there are many good citizens on relief just as competent, or more so, who could do the work, and for less money.

I recommend that there should be a systematic plan for records, coordinated, and that there should be further provided a complete audit system to be taken at regular intervals so that the relief funds may be properly cared for and given to those for whom they are designated.

There should be more direct action, and I found that there was too much delay in passing matters of clients' complaints to Washington and then to Austin when they should have been attended to in the locality where they originated.

I found evidence that armed guards were retained and paid out of relief funds and used as a deterrent force around the headquarters for administration of relief. The system is for the good of the public, administered

by public officials in the expenditure of public funds; and all citizens should have free access to such offices even as to the county offices of their county.

I found that the people were peaceable and good citizens, and that there was no use for such armed guards being used to intimidate the relief clients and prevent them from making complaints. I found the County Relief Board to be very inactive, and it does not properly function to receive grievances. Too much politics is involved in the set-up. I found that the board refused to sit and hear the complaints of those citizens on relief who desired to be heard.

As to the charge that distressed women had been advised to practice immorality in order to get help. I found and we heard testimony to this effect, but the case workers denied the charge. So the committee was left to determine who told the truth. I am unable to decide that, but I do denounce any such advice, if such was ever given by any case worker to any client. There was some evidence of betting and some evidence of employees being drunk while working.

One high official of the relief set-up was charged in the police court for driving while drunk, but he has now gone to the P. W. A. set-up and is no longer connected with the relief in Fort Worth.

I found that there had been a contract made by a former State Administrator, previous to the present one, to the effect that only those physicians who are members of the medical society in their county should be paid for services out of the relief funds, and that only the prescriptions of such physicians should be filled and paid for, while other reputable physicians were denied equal rights.

The Board of Control informed us that this contract is now at an end. I do not approve of such a method for medical relief, and think that all doctors licensed under the laws of Texas should have equality before the law and equal opportunity to treat their patients who may be on relief and likewise with their prescriptions. I deem the limit of the price of a prescription to Thirty-five Cents as unfair and improper.

I found that many relief clients were denied medical treatment and

medicine when they were in dire need, while others were well treated.

This was all dependent upon the case worker in the individual case, and here came in other strong evidence of discrimination. I disapprove of a case worker diagnosing the sickness of the client, and feel that this should be left to the doctor under proper safeguards.

There are numerous other matters that might be reported to the Legislature, but I feel that this is enough to inform the House of Representatives of the relief system, and is sufficient to show the reasons why we condemn it as not being suitable and proper for use in the administration of an old age pension relief system in this State.

Respectfully submitted,

FARMER,

Member now and Chairman of
Committee of Three.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 25, "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

H. B. No. 27, "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects."

H. B. No. 26, "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that

warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments; etc., and declaring an emergency."

H. B. No. 28, "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

H. B. No. 23, "An Act validating, legalizing and approving severally all the Acts of the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds, and declaring an emergency."

H. B. No. 29, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States government; etc., and declaring an emergency."

S. B. No. 51, "An Act providing that in an independent school district having 150 scholastics or more, situated in any county having not less than 350,000 population, if an election shall have been called and held by the trustees or other board authorized to call such election, etc., and declaring an emergency."

H. C. R. No. 5, Granting W. M. Rousseau permission to sue the State.

H. C. R. No. 6, Granting Mrs. Beulah McFarland et al, permission to sue the State.

H. C. R. No. 7, Granting Willie N. Gotcher permission to sue the State.

H. C. R. No. 15, Suspending certain joint rules to consider House Bills Nos. 100 and 121.

RECESS

On motion of Mr. Keefe, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

REPORT OF SPECIAL COMMITTEE

Mr. Hoskins, chairman of the committee appointed to make certain investigation in regard to the operation of commercial motor vehicles, being recognized by the Speaker, made an oral report to the House, and asked unanimous consent of the House that additional time be granted the committee, on account of the delay in securing transcript of the testimony, to make its final written report.

There was no objection offered and it was so ordered.

BILLS ORDERED NOT PRINTED

On motion of Mr. Davison of Fisher, House Bill No. 135 was ordered not printed.

On motion of Mr. Thornton, Senate Bill No. 5 was ordered not printed.

EXTENDING PRIVILEGES OF THE FLOOR OF THE HOUSE

On motion of Mr. Olsen, by unanimous consent of the House, the civics class of the Lavaca High School was

granted the privileges of the floor of the House for this afternoon.

TO GRANT H. C. BRANNON PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, To grant H. C. Brannon permission to sue the State.

Whereas, Prior to the 18th day of June, A. D. 1935, the State of Texas acting by and through its Park Board constructed an earthen tank in the Jefferson Park situated about two miles east of the City of Hillsboro in Hill County, Texas; and

Whereas, The said tank was constructed at the same place, that is, on the same spot of ground where there had previously been another tank but not of the same depth; and

Whereas, The said tank so constructed and built was of exceedingly great depth for a small park and ground as the Jefferson Park is; and

Whereas, After the said tank was constructed, due to heavy rains the same was filled with water which was very deep in practically all parts of the said tank; and

Whereas, The said Park Board failed to place any signs or notices of any kind at or near or in the said tank notifying person who might come on or about the same as to the depth of the waters, and neither did they place any ropes or other means of escaping from the said water by those who could not swim on or across the said tank; and

Whereas, They kept no guard on duty there to advise the public as to the nature and character of the tank and the depth of the water of the same; and

Whereas, By reason of the construction of the said tank and the placing of no signs or warning of any kind to the public on or about the said tank, and by leaving no guard on duty to advise the general public as to the dangers of the water in the said tank, the same became a decoy or an inducement inviting those who came near to enter same; and

Whereas, On or about the 18th day of June, 1935, one Donald Roy Brannon, a child eleven years of age, being the son of Mr. H. C. Brannon and wife, Joe Brannon, appeared at the said tank in company with other children of about his age, and being

desirous of entering into the said tank for the purpose of playing in the waters, which he presumed to be shallow and without danger, did go into the said tank and was drowned; and

Whereas, The said H. C. Brannon and wife, Joe Brannon, were compelled to expend large sums of money in caring for the last remains of the said Donald Roy Brannon, and also sustained other damages by reasons of the loss of the said child; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said H. C. Brannon and wife, Joe Brannon, be, and they are hereby, granted permission to bring suit against the State of Texas in a court of competent jurisdiction in order to determine compensation for damages received and that service of citation or other necessary process may be had upon the State of Texas by delivering a copy of the said pleading thereto to Honorable D. E. Colp, Chairman of the Park Board of the State of Texas, as in other civil cases.

The resolution was read second time.

On motion of Mr. Calvert, the resolution was referred to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand Dollars (\$75,000) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the Contingent Expenses of the First Called Session of the Forty-fourth Legislature of the State of Texas; etc., and declaring an emergency."

(With amendments.)

Adopted: H. C. R. No. 16, Authorizing City of Hearne and County of Robertson to use certain paving equipment.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 20 ON PAS-
SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 20, relative to making certain appropriation for the hospitalization of indigent tuberculosis patients, on its passage to third reading;

The bill having been read second time on this morning.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 20 by striking out the enacting clause.

Question recurring on the amendment by Mr. Alsup, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—56

Adamson	Jones of Wise
Aikin	Keefe
Alsup	Lindsey
Ash	Lotief
Beck	Luker
Bradbury	Mauritz
Broyles	McConnell
Burton	McFarland
Calvert	Moore
Canon	Morris
Cowley	Palmer
Craddock	Reed of Bowie
Daniel	Riddle
Davison of Fisher	Roach of Angelina
Dunlap of Hays	Roberts
Farmer	Rogers
Fox	Smith
Fuchs	Stovall
Gibson	Tarwater
Good	Tennyson
Graves	Venable
Gray	Waggoner
Hanna	Walker
Hardin	Wells
Harris of Archer	Wood of Harrison
Hunt	Wood of Montague
Hunter	Worley
James	Youngblood

Nays—67

Atchison	Crossley
Bergman	Davisson
Bourne	of Eastland
Bradford	Dickison
Butler of Brazos	Dunagan
Butler of Karnes	Duvall
Cagle	Dwyer
Clayton	Fain
Collins	Fisher
Colquitt	Ford
Cooper	Frazer

Glass	McKee
Greathouse	McKinney
Hankamer	Moffett
Harris of Dallas	Morrison
Hartzog	Olsen
Head	Padgett
Herzik	Patterson
Hill	Payne
Hofheinz	Quinn
Holland	Reed of Dallas
Hoskins	Roach of Hunt
Howard	Roane
Huddleston	Roark
Hyder	Russell
Jackson	Rutta
Jones of Falls	Sessions
Jones of Shelby	Shofner
King	Steward
Lanning	Stinson
Latham	Thornton
Lemens	Tillery
Leonard	Westfall
Lucas	Young

Absent

Adkins	Lange
Alexander	Leath
Caldwell	McCalla
Celaya	Morse
Colson	Nicholson
Davis	Petsch
Dunlap of Kleberg	Pope
England	Scarborough
Hodges	Spears
Jefferson	Stanfield
Jones of Atascosa	

Absent—Excused

Fitzwater	Reader
Knetsch	Settle
Newton	

On motion of Mr. Calvert, further consideration of Senate Bill No. 20, was postponed until 2:00 o'clock p. m., Friday, October 11.

HOUSE BILL NO. 130 WITH
SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand Dollars (\$75,000) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the Contingent Expenses of the First Called Session of the Forty-fourth Legislature of the State of

Texas; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Leonard moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the House and the Senate on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee:

Messrs. Leonard, Bergman, Wood of Montague, Dunlap of Kleberg and Mrs. Moore.

OUT OF RESPECT TO THE MEMORY OF GENERAL JACOB F. WOLTERS

Mr. Lindsey moved that the House, out of respect to the memory of General Jacob F. Wolters, whose funeral services are being held at three o'clock p. m., today at Houston, Texas, rise and stand for one minute.

The motion was adopted by a rising vote.

The House at 3:00 o'clock p. m. stood for one minute, out of respect to the memory of General Jacob F. Wolters.

SENATE BILL NO. 5 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 5, A bill to be entitled, "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election, that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and declaring an emergency."

The bill was read second time, and passed to third reading.

SENATE BILL NO. 5 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson	Howard
Aikin	Huddleston
Alsup	Hunt
Ash	Hunter
Atchison	Hyder
Beck	Jackson
Bergman	James
Bourne	Jefferson
Bradbury	Jones of Falls
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Butler of Karnes	Lanning
Cagle	Latham
Calvert	Leath
Canon	Lemens
Celaya	Leonard
Collins	Lindsey
Colquitt	Lotief
Cowley	Lucas
Daniel	Luker
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McConnell
Dickison	McFarland
Dunagan	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Farmer	Morse
Fisher	Nicholson
Ford	Olsen
Fox	Padgett
Frazer	Patterson
Gibson	Petsch
Glass	Quinn
Good	Reed of Bowie
Graves	Reed of Dallas
Grav	Riddle
Greathouse	Roach of Hunt
Harris of Archer	Roane
Harris of Dallas	Roark
Head	Roberts
Hodges	Rogers
Hofheinz	Russell
Holland	Rutta
Hoskins	Shofner

Smith	Waggoner
Stanfield	Walker
Steward	Wells
Stinson	Westfall
Stovall	Wood of Harrison
Tarwater	Wood of Montague
Tennyson	Young
Thornton	Youngblood
Tillery	

Absent

Adkins	Hartzog
Alexander	Herzik
Bradford	Hill
Caldwell	Jones of Atascosa
Clayton	King
Colson	Lange
Cooper	Palmer
Craddock	Payne
Crossley	Pope
Davis	Roach of Angelina
Duvall	Scarborough
Fuchs	Sessions
Hankamer	Spears
Hanna	Venable
Hardin	Worley

Absent—Excused

Fitzwater	Reader
Knetsch	Settle
Newton	

The Speaker then laid Senate Bill No. 5 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson	England
Aikin	Fain
Alsup	Fisher
Ash	Ford
Atchison	Fox
Bergman	Frazer
Bourne	Fuchs
Bradbury	Gibson
Broyles	Glass
Burton	Good
Butler of Brazos	Graves
Butler of Karnes	Gray
Canon	Greathouse
Collins	Hankamer
Colquitt	Harris of Archer
Cowley	Harris of Dallas
Daniel	Head
Davison of Fisher	Hill
Davisson of Eastland	Hodges
Dickison	Holland
Dunagan	Hoskins
Dunlap of Kleberg	Howard
Dwyer	Huddleston
	Hunt

Hunter	Palmer
Hyder	Patterson
Jackson	Quinn
James	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Shelby	Riddle
Jones of Wise	Roark
Keefe	Rogers
Lanning	Russell
Latham	Rutta
Leath	Shofner
Lemens	Smith
Leonard	Stanfield
Lindsey	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tarwater
Mauritz	Tennyson
McCalla	Thornton
McConnell	Tillery
McFarland	Venable
McKinney	Waggoner
Moffett	Walker
Moore	Wells
Morris	Westfall
Morrison	Wood of Harrison
Morse	Wood of Montague
Nicholson	Young
Olsen	Youngblood
Padgett	

Absent

Adkins	Hartzog
Alexander	Herzik
Beck	Hofheinz
Bradford	Jefferson
Cagle	Jones of Atascosa
Caldwell	King
Calvert	Lange
Celaya	McKee
Clayton	Payne
Colson	Petsch
Cooper	Pope
Craddock	Roach of Angelina
Crossley	Roach of Hunt
Davis	Roane
Dunlap of Hays	Roberts
Duvall	Scarborough
Farmer	Sessions
Hanna	Spears
Hardin	Worley

Absent—Excused

Fitzwater	Reader
Knetsch	Settle
Newton	

HOUSE BILL NO. 138 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 138, A bill to be entitled "An Act to amend Chapter 75 of the

Acts of the First Called Session of the Forty-third Legislature so as to create a conservation and reclamation district to be known as Guadalupe-Blanco River Authority, pursuant to and for the purpose set forth in Section 59 of Article 16 of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; etc., and declaring an emergency."

The bill was read second time.

Mr. Davison of Fisher offered the following amendment to the bill:

Amend House Bill No. 138, Section 19, at the end of the paragraph after the word "district" add:

"Provided, however, that this money shall be repaid the State of Texas."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 138 was then passed to engrossment.

HOUSE BILL NO. 138 ON THIRD READING

Mr. Dunlap of Hays moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adamson	Davisson
Alsup	of Eastland
Ash	Dickison
Beck	Dunagan
Bourne	Dunlap of Hays
Bradbury	Dunlap of Kleberg
Bradford	Dwyer
Broyles	Fain
Burton	Farmer
Butler of Brazos	Fisher
Butler of Karnes	Ford
Calvert	Fox
Canon	Frazer
Colquitt	Fuchs
Cooper	Gibson
Cowley	Glass
Daniel	Graves
Davis	Gray

Greathouse	Morrison
Hanna	Nicholson
Hardin	Olsen
Harris of Archer	Padgett
Hartzog	Palmer
Hill	Patterson
Hodges	Pope
Hofheinz	Quinn
Holland	Reed of Dallas
Hoskins	Riddle
Howard	Roach of Angelina
Huddleston	Roane
Hunter	Roberts
Hyder	Rogers
Jackson	Russell
James	Rutta
Jones of Falls	Sessions
Jones of Shelby	Shofner
Jones of Wise	Smith
Keefe	Spears
Lange	Stanfield
Lanning	Steward
Latham	Stinson
Leath	Tarwater
Lemens	Tennyson
Leonard	Thornton
Lotief	Tillery
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKee	Wood of Montague
Moffett	Young
Morris	Youngblood

Nays—13

Aikin	Reed of Bowie
Atchison	Roark
Bergman	Stovall
Good	Venable
Hunt	Wood of Harrison
Lindsey	Worley
Lucas	

Absent

Adkins	Harris of Dallas
Alexander	Head
Cagle	Herzik
Caldwell	Jefferson
Celaya	Jones of Atascosa
Clayton	King
Collins	Luker
Colson	McKinney
Craddock	Moore
Crossley	Morse
Davison of Fisher	Payne
Duvall	Petsch
England	Roach of Hunt
Hankamer	Scarborough

Absent—Excused

Fitzwater	Reader
Knetsch	Settle
Newton	

The Speaker then laid House Bill No. 138 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101

Adamson	Keefe
Ash	Lange
Beck	Lanning
Bourne	Latham
Bradford	Leath
Broyles	Lemens
Burton	Leonard
Butler of Brazos	Lotief
Butler of Karnes	Mauritz
Caldwell	McCalla
Calvert	McConnell
Canon	McFarland
Clayton	McKee
Colquitt	McKinney
Cooper	Moffett
Craddock	Morris
Daniel	Morrison
Davis	Nicholson
Davison of Fisher	Olsen
Dickison	Padgett
Dunagan	Palmer
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
Dwyer	Pope
Fain	Quinn
Farmer	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roane
Glass	Roberts
Graves	Rogers
Gray	Russell
Greathouse	Rutta
Hanna	Sessions
Hartzog	Shofner
Head	Smith
Hill	Spears
Hodges	Steward
Hofheinz	Stinson
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Tillery
Hunter	Waggoner
Hyder	Walker
James	Westfall
Jefferson	Wood of Montague
Jones of Atascosa	Young
Jones of Shelby	Youngblood
Jones of Wise	

Nays—18

Aikin	Bergman
Alsup	Bradbury
Atchison	Gibson

Good	Luker
Harris of Archer	Roark
Hunt	Stovall
Lindsey	Venable
Luker	Wood of Harrison
Reed of Bowie	Worley

Present—Not Voting

Cagle	Jones of Falls
Herzik	

Absent

Adkins	Hankamer
Alexander	Hardin
Celaya	Harris of Dallas
Collins	Jackson
Colson	King
Cowley	Moore
Crossley	Morse
Davisson	Petsch
of Eastland	Scarborough
Duvall	Stanfield
England	Wells
Fuchs	

Absent—Excused

Fitzwater	Reader
Knetsch	Settle
Newton	

MESSAGE FROM THE SENATE

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 130.

The following have been appointed on the part of the Senate:

Senators Redditt, Rawlings, Pace, Burns and Shivers.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 43 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act relating to the compensation of district, and certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants and clerks in district,

county, and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; etc., and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. England, pending.

Mr. Rogers moved that the House Rule which relates to the time allotted for debate be suspended, and that the debate on the amendments to House Bill No. 43 and the bill, be limited to two minutes.

Mr. Keefe moved as a substitute for the motion by Mr. Rogers that the debate be limited to three minutes.

The substitute motion prevailed.

The motion as substituted prevailed.

Mr. England offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 6, line 32, by inserting after the word "expense" the following paragraph:

"Provided that premiums for bonds for all officials and those deputies that require the same shall be paid for out of the Officers Salary Fund."

The amendment was adopted.

Mr. Leonard offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 43 in the following manner:

Amend Section 15 thereof, Subsection 1, page 7, line 38, by striking out the words "Ninety Thousand (90,000)" and inserting in lieu thereof the words "Seventy-five Thousand (75,000)."

Amend Section 15 thereof, Subsection 2, page 8, lines 7, and 8, by striking out the words "Ninety Thousand (90,000)" and inserting in lieu thereof the words "Seventy-five Thousand (75,000)."

Amend Section 15 thereof, Subsection 5, page 9, lines 7 and 8, by striking out the words "Ninety Thousand and One (90,001)" and inserting in lieu thereof the words "Seventy-five Thousand and One (75,001)."

Amend Section 15 thereof, Subsection 6, page 9, lines 20 and 21 by striking out the words "Ninety Thousand

(90,000)" and inserting in lieu thereof the words "Seventy-five Thousand (75,000)."

The amendments were severally adopted.

Mr. Lindsey offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, Section 16, line 18, page 13, of the printed bill by inserting the following words after the word "proper:"

"provided, that the Commissioner's Court, in its discretion, may authorize the employment of a secretary to the county judge in counties where the county judge acts as ex-officio superintendent, and fix the compensation to be paid such secretary out of the general fund of such county;"

LINDSEY,
DAVIS,
WESTFALL,
HEAD,
DAVISON of Fisher,
ROGERS,
SESSIONS.

The amendment was adopted.

Mr. Lindsey offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, Section 11, line 18 on page 6 by placing a comma after the word "officer" instead of the period and insert these words:

"Except where the county judge acts as ex-officio county superintendent the Commissioner's Court may, in its discretion, authorize the employment of a secretary to the county judge and pay such salary out of the general fund of the county, which salary shall be fixed by the Commissioner's Court."

LINDSEY,
DAVIS,
WESTFALL,
HEAD,
DAVISON of Fisher,
ROGERS.

The amendment was adopted.

Mr. Wood of Harrison offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 11, line 9, by changing the words and figures "\$2400" to "\$1800."

On motion of Mr. Westfall, the amendment was tabled.

Mr. Wood of Harrison offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 18, line 25, by inserting the figure "19" in blank space.

The amendment was adopted.

Mr. Leonard offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, by inserting after the word "annually" in line Six, on page fifteen of the printed bill, the following:

"Provided that in all Counties having a population of not less than 75,000 nor more than 100,000 according to the last Federal census, wherein there are as many as eight Road Districts and one Drainage District, the Treasurers thereof shall receive as their salary a sum not to exceed Two Thousand, Seven Hundred Dollars annually."

The amendment was adopted.

Mr. Steward offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 11, line 5, by striking out the words "County Judge" and by inserting after the words "District Clerk" in line 7, page 11, the words "and County Judge."

On motion of Mr. Hartzog, the amendment was tabled.

Mr. Tillery offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 11, Sec. 13, line 25, by striking out figures "\$3,000.00" and inserting "\$2400.00."

Mr. Wood of Harrison moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Tillery, it was adopted.

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, Sec. 17, page 15, line 20, by striking out the words and figures:

"Three Hundred Forty Thousand (340,000)" and insert in lieu thereof the words and figures "Two Hundred Ninety Thousand (290,000)."

STINSON,
HANNA,
REED of Dallas,
COLLINS,
HARRIS of Dallas,
COLQUITT,
READER,
DICKISON,
SPEARS,
JEFFERSON,
DWYER.

Mr. Wood of Harrison moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Stinson, it was adopted.

Mr. Leath offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 9, line 36, by inserting before the word "county" the words "Criminal District Attorney or."

The amendment was adopted.

Mr. Colquitt offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, Section 20, Subdivision 6, line 22, page 18, by striking out "Three Thousand (\$3,000.00) Dollars each" and inserting in lieu thereof "\$4,000.00."

COLQUITT,
COLLINS,
STINSON,
HANNA,
HARRIS of Dallas,
REED of Dallas.

The amendment was adopted.

Mr. Dunagan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 10, Subsection 9 of Section 15, by adding at the end of said section the following: "provided, however, that this section shall not apply to any County containing a city of over twenty-five thousand (25,000) population according to the last preceding Federal census, and having an assessed valuation of less than thirty million (\$30,000,000) Dollars according to the last preceding approved tax roll."

The amendment was adopted.

Mr. Davisson of Eastland moved to reconsider the vote by which the amendment by Mr. Tillery, was adopted.

Mr. Tillery moved to table the motion by Mr. Davisson of Eastland.

The motion to table prevailed.

Mr. Calvert offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, by striking out paragraph 1, of Section 15, page 7 and substituting in lieu thereof the following:

"1. In counties containing 60,000 inhabitants or less, according to the last preceding Federal census, the district attorney, criminal district attorney or county attorney who also performs the duties of a district attorney, and whose district is composed of one county only, shall receive an annual salary of \$4,250.00 to be paid in 12 monthly installments, upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury.

"1a. In counties containing less than 90,000 inhabitants and not less than 60,001 according to the last preceding Federal census, the district attorney, criminal district attorney or county attorney who also performs the duties of a district attorney, and whose district is composed of one county only, shall receive an annual salary of \$4,750.00 to be paid in 12 equal monthly installments, upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury."

CALVERT,
WELLS,
THORNTON.

The amendment was adopted.

Mr. Roane offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by adding a new section described as section 13-A, reading as follows:

"In event there should be any conflict in any county as to whether a population or a valuation basis shall control in determining which salary schedule or bracket shall apply to said county, it is here stipulated that the population basis shall be, and it is

hereby, controlling over a valuation basis."

"Further the words 'assessed valuation' as the same is used herein shall mean, and is hereby defined as meaning, the county valuation as fixed by the last preceding approved tax roll."

Mr. Spears called for a division of the question in the above amendment.

Mr. Wood of Harrison moved to table the first section of the amendment, relating to population basis.

The motion to table was lost.

Question recurring on that section of the amendment, it was adopted.

On motion of Mr. Spears, the second division of the amendment relating to "assessed valuation" was tabled.

Mr. Quinn offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, on page 18, Section 20, in line 17, by adding after the word "constable" the words "not exceeding."

The amendment was adopted.

Mr. Quinn offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 19, Section 21, by striking out all in lines 28, 29, 30, 31 and 32 and insert in lieu thereof the following:

"In counties containing one hundred thousand and one (100,001), and not more than one hundred fifty thousand (150,000) inhabitants, according to the last preceding Federal census, justice of peace and constables not to exceed Twenty-five Hundred (\$2500.00) Dollars each."

On motion of Mr. Nicholson, the amendment was tabled.

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, (committee amendment No. 1) page 15, lines 23, 24 and 25 by striking out the words "an assistant at a salary not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum," and insert in lieu thereof the following "not to exceed four assistants as may be determined by the Commissioners' Court of such county, one of which shall receive

a salary not to exceed \$1800.00 per year, and one at a salary not to exceed \$1500.00 per year and the remainder at a salary of not to exceed \$1200.00 per year, such salaries to be determined by the Commissioners' Court of such county."

STINSON,
COLLINS,
COLQUITT,
HANNA.

The amendment was adopted.

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 (committee amendment No. 1), page, 14, line 26, by adding after the word "each" the following:

"except or otherwise herein provided."

The amendment was adopted.

Mr. Adamson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by inserting after the word "year" in line 12, page 12, the following words:

"Except in all counties having an assessed valuation in excess of Thirty Million Dollars (\$30,000,000.00) according to the last preceding tax roll, and having a population of less than seventy thousand (70,000) inhabitants according to the last preceding Federal census, and having as many as two (2) cities with a population in excess of thirteen thousand, five hundred (13,500) inhabitants according to the last preceding Federal Census, the County Judge, Sheriff, County Clerk, District Clerk, and Assessor and Collector of Taxes shall receive a salary of Four Thousand, Two Hundred Dollars (\$4,200.00) a year."

ADAMSON,
WAGGONER.

Mr. Wood of Harrison moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Adamson, it was adopted.

Mr. Russell offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out all of subsection B of Section 6, on page 3, and insert in lieu thereof the following:

"Providing, however that in the event there is not a sufficient amount of money in said officers salary fund to pay the full amount of such officer or his compensation, then each officer shall receive only his pro rata part of the full amount of the money received of said salary fund during such fiscal year."

RUSSELL,
DANIEL.

Mr. Daniel offered the following amendment to the amendment by Mr. Russell:

Amend Amendment by adding the following: "Whenever the officers salary fund of any county has insufficient funds to pay the salaries provided in this Act, no officer may draw more salary than the total amount of fees paid into said fund by his office."

Mr. Wood of Harrison moved to table the amendment by Mr. Daniel.

Mr. Fox raised a point of order on further consideration of amendments by Mr. Russell and Mr. Daniel, on the ground that the amendments are unconstitutional for the reason that they attempt to establish, in effect, the old fee system which was abolished by a vote of the people on August 24.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Wood of Harrison to table the amendment by Mr. Daniel, it was lost.

Question then recurring on the amendment by Mr. Daniel, to the amendment by Mr. Russell, it was adopted.

Mr. Nicholson offered the following amendment to the amendment by Mr. Russell, as amended:

Amend amendment by inserting the following:

"Providing that in event of insufficient Salary Fund to pay the full amount of all salaries, each officer may benefit therefrom to the full ex-

tent of such fees as said officer has collected and deposited in said fund."

The amendment was lost.

Question then recurring on the amendment by Mr. Russell, as amended, it was adopted.

Mr. Calvert moved the previous question on the pending committee amendment and the passage of House Bill No. 43 to engrossment, and the motion was not seconded.

Question — Shall the committee amendment by Mr. England be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

H. B. No. 24, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on House Bill No. 130, by the following vote:

Yeas 28, nays 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 130

Mr. Leonard submitted the following Conference Committee Report on House Bill No. 130:

Committee Room,
Austin, Texas, October 10, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke Stevenson, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill Number 130, have had same under consideration and beg to report back with recommendation that it do pass in the form attached hereto.

H. B. No. 130

A BILL

To Be Entitled

An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas: .

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, for which claims have been filed.

Of the sum of Fifty Thousand Dollars hereby appropriated, the sum of Ten Thousand Dollars is hereby designated for expenditure under the terms of House Simple Resolution Number 35, First Called Session of the Forty-fourth Legislature, and the Comp-

troller of Public Accounts is hereby authorized and directed to set aside the aforementioned Ten Thousand Dollars for expenditure in compliance with the terms of said House Simple Resolution Number 35, and said sum shall not be used for any other purpose.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President of the Senate, or the Certificate of the Chief Clerk of the House of Representatives approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which to audit the claims for per diem of members and the salaries and per diem of officers and employes of the First Called Session of the Forty-fourth Legislature, also unpaid expenses of the Forty-fourth Legislature, Regular Session, and he shall issue the necessary warrants for same upon the Treasury of the State of Texas.

Sec. 3. The certificate of the Chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or the certificate of the Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to the Comptroller to issue upon the Treasury of the State of Texas for the payment of accounts for contingent expenses for either House, also to cover unpaid expenses of the Regular Session of the Forty-fourth Legislature.

Sec. 4. Providing, however, that a record of all moneys appropriated in this bill shall be made available for public inspection the same as any other public record in this State. The Senate and the House shall each publish an itemized account of expenditures in its own Journal and state the amount spent by each member of each House, as it has been done in House Journal.

Sec. 5. The fact that the First Called Session of the Forty-fourth Legislature of the State of Texas is now in session, and public policy requires that the appropriations made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each

House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

REDDIT,
BURNS,
SHIVERS,
RAWLINS.

On the part of the Senate;

LEONARD,
WOOD of Montague,
MOORE,
DUNLAP of Kleberg,
BERGMAN.

On the part of the House.

On motion of Mr. Leonard, the report was adopted by the following vote:

Yeas—117

Adamson	Gray
Aikin	Hankamer
Atchison	Hanna
Bourne	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Herzik
Broyles	Hill
Burton	Hodges
Butler of Brazos	Hofheinz
Butler of Karnes	Holland
Cagle	Hoskins
Caldwell	Howard
Calvert	Hunt
Canon	Hunter
Collins	Hyder
Colquitt	Jackson
Cooper	James
Cowley	Jefferson
Craddock	Jones of Falls
Crossley	Jones of Shelby
Daniel	Jones of Wise
Davison of Fisher	King
Davisson	Lange
of Eastland	Lanning
Dickison	Latham
Dunagan	Leath
Dunlap of Hays	Lemens
Dunlap of Kleberg	Leonard
Duvall	Lindsey
Dwyer	Lucas
England	Luker
Fain	Mauritz
Farmer	McCalla
Fisher	McConnell
Ford	McKee
Fox	McKinney
Frazer	Moore
Fuchs	Morris
Gibson	Morse
Glass	Nicholson
Good	Olsen

Palmer	Stanfield
Patterson	Steward
Petsch	Stinson
Reed of Bowie	Stovall
Reed of Dallas	Tarwater
Riddle	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Venable
Roark	Waggoner
Roberts	Walker
Russell	Wells
Rutta	Westfall
Scarborough	Wood of Harrison
Sessions	Wood of Montague
Shofner	Worley
Smith	Young
Spears	Youngblood

Nays—5

Greathouse	Morrison
Hardin	Quinn
Lotief	

Absent

Adkins	Hartzog
Alexander	Head
Alsup	Huddleston
Ash	Jones of Atascosa
Beck	Keefe
Bergman	McFarland
Celaya	Moffett
Clayton	Payne
Colson	Pope
Davis	Rogers
Graves	

Absent—Excused

Fitzwater	Padgett
Knetsch	Reader
Newton	Settle

BILL RE-REFERRED

On Motion of Mr. Leath, House Bill No. 143 was withdrawn from the Committee on Education and referred to the Committee on Appropriations.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 8, "An Act validating all school districts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceedings had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued

when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works; and declaring an emergency."

S. B. No. 41, "An Act to amend Section 5, Chapter 186, Acts Thirty-ninth Legislature, Regular Session, 1925, so as to permit the State Highway Department, in conjunction with the Bureau of Public Roads, to expend upon roads not a part of the system of State highways, funds specifically appropriated for expenditure on such roads under the National Industrial Recovery Act, and declaring an emergency."

H. B. No. 101, "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all state ad valorem taxes levied or to be levied on property in said County, including the rolling stock of railroads and three-fourths of the state occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

H. C. R. No. 14, Authorizing the use of certain State Highway equipment.

H. C. R. No. 16, Authorizing the use of certain State Highway equipment.

RECESS

On motion of Mr. Jones of Wise, the House at 5:30 o'clock p. m., took recess to 9:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution as follows:

Appropriations: House Bills Nos. 108, 109, 110, 130, and 140; and Senate Bill No. 28.

Conservation and Reclamation: House Bills Nos. 121, 125, 134 and 136.

Highways and Motor Traffic: House Bills Nos. 123 and 139; Senate Bill No. 41.

Judiciary: Senate Bill No. 50.

Municipal and Private Corporations: House Bills Nos. 122 and 129.

Revenue and Taxation: House Bill No. 90.

State Affairs: House Concurrent Resolution No. 11.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by general or special law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation, etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 12, To grant Mrs. Nina R. Wiegand et al., permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 96, A bill to be entitled "An Act to amend Section 1 of Chap-

ter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas as appears from page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective as herein provided; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 129, A bill to be entitled "An Act empowering cities of 290,000 or more inhabitants to build and purchase, mortgage and encumber exposition and convention halls or either and the income thereof and to evidence the obligations therefor, by bonds, notes or warrants and to secure the payment of funds to purchase same or to remodel, renovate or repair same; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 125, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 121, A bill to be entitled
"An Act authorizing navigation districts organized under Chapter 5, Acts of the Regular Session, 1925, to issue refunding bonds; providing for the payment thereof; authorizing the pledge of sinking funds and delinquent taxes to the payment thereof; enacting other provisions pertinent thereof; enacting other provisions pertinent thereto; and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 122, A bill to be entitled
"An Act to amend Article 6243-a, Title 109, page 243, Second Supplement, Texas Revised Civil Statutes, as amended by the Forty-third Legislature, 1933, providing for pensions on reaching the age of sixty-five of persons employed in the Fire, Police and Fire Alarm Operator's Departments of any incorporated city or town containing more than 240,000 inhabitants and less than 275,000 inhabitants, according to the last preceding Federal census, etc., and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 24, A bill to be entitled
"An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be

given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, etc., and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 119, A bill to be entitled
"An Act creating a special road law for Bailey County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10, 1935, setting forth the method of operation; etc., and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 118, A bill to be entitled
"An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 13, 1935, setting forth the method of operation, etc., and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 111, A bill to be entitled
"An Act making an appropriation of Forty-five (\$45.00) Dollars to pay S. B. Carr, Judge of the 81st Judicial

District of Texas, for his expenses incurred in exchange of benches; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 105, A bill to be entitled "An Act making an appropriation for the Galveston State Psychopathic Hospital; providing for the purpose thereof; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 103, A bill to be entitled "An Act to validate all tax values and outstanding warrants or scrip in certain counties in which the Commissioners Courts have failed to comply with the provisions of the uniform budget law; making this Act applicable only to counties having a population of not less than twenty-seven thousand and not more than twenty-eight thousand according to the next preceding Federal census; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 93, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 95, A bill to be entitled "An Act to amend Article 2968 of the 1925 Civil Statutes of Texas, as amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before the first day of February, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 55, A bill to be entitled "An Act to amend Article No. 2956 Revised Civil Statutes of Texas of 1925, as amended by the Regular Session of the Forty-fourth Legislature and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 91, A bill to be entitled "An Act granting W. E. Bush of San Angelo, Tom Green County, Texas, permission to bring suit against the State of Texas and the State Highway Department of Texas for damages for personal injuries on account of the negligence of an employee of the State Highway Department, while W. E. Bush was employed on construction work on State Highway No. 70; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 14, Relating to the
authorization of the use of certain
Highway equipment on the streets of
the town of Pilot Point, Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 16, Relating to the
authorization of the use of certain
Highway equipment on the streets of
the City of Hearne, Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 101, "An Act granting aid
to the property in and inhabitants of
Hidalgo County, Texas, and to Hi-
dalgo County made necessary by rea-
son of its location on the Gulf Coast
and by reason of calamitous over-
flows, floods, storms and freezes
which cause great destruction of prop-
erty and loss of life; remitting, re-
leasing, granting and donating to the
property in and inhabitants of said
County and to Hidalgo County all
State ad valorem taxes for general
revenue purposes levied or to be levied
on property in said County, including
the rolling stock of railroads and
three-fourths of the State occupation
taxes, for the years 1924 to 1948, both
inclusive; providing that if any part
of this Act be held unconstitutional it
shall not affect any other part of this
Act, and declaring an emergency."

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 23, "An Act validating,
legalizing and approving severally all
the acts of the Board of Regents of
the University of Texas, the Board of
Directors of the Agricultural and Me-
chanical College, the Board of Di-
rectors of the Texas Technological
College, the Board of Regents of the
State Teachers Colleges, the Board of
Regents of the College of Industrial
Arts, and the Board of Directors of
the Texas College of Arts and Indus-
tries, in the authorization and issu-
ance of bonds, notes or warrants
heretofore issued or that have here-
tofore been authorized but not yet
issued, validating and approving the
pledge of revenues to the payment
of said bonds, and declaring an
emergency."

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 25, "An Act providing
that all bonds, notes or warrants
heretofore issued or which have been
authorized but not yet issued or which
may be hereafter issued under the
provisions of Articles 1111 to 1118,
inclusive, Revised Civil Statutes of
Texas for 1925, including all amend-
ments thereto, to aid in financing any
undertaking for which a loan or
grant has been made by the United
States through the Federal Emer-
gency Administration of Public
Works, shall be negotiable instru-
ments; providing the provisions of
this Act shall not apply to any pro-
ceedings authorizing the issuance of
bonds, notes or warrants, the va-
lidity of which has been contested in
any pending suit or litigation, and
declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 27, "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects; providing the provisions of the Act shall not apply to any proceedings authorizing the issuance of bonds, notes or warrants, the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 26, "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments; and amending Section 4 of said Act so as to provide that any contract entered into under authority of this Act be in force for the period of time provided for in said contract, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 28, "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Article 1111 to 1118, Revised Civil Statutes of Texas of 1925 as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administrator of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds; providing this Act shall not apply to any proceedings or obligations, the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 29, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations, the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 7, Granting Willie N.
Gotcher permission to sue the State
of Texas and/or the State Highway
Department.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 6, Granting Mrs. Beu-
lah McFarland and husband, V. C.
McFarland, and A. D. Baker and
wife, Alty Baker, permission to sue
the State of Texas and/or the State
Highway Department of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 15, Suspending Sec-
tions 22 and 23 of the Joint Rules
to consider House Bills Numbers 121
and 100.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 5, Granting W. M.
Rousseau permission to sue the State
of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of Robert Hunter Sparkman

Mr. Lemens offered the following resolution:

Whereas, On October 5, 1935, the Supreme Architect of the Universe in his infinite wisdom called from this earth Robert Hunter Sparkman, aged 7; and

Whereas, Robert was the nephew of our esteemed fellow member, Hon. E. E. Hunter, and Mrs. E. E. Hunter; now, therefore

Be It Resolved By the House of Representatives, That the House extends its deepest sympathy at this hour of bereavement to the family and friends of Robert Hunter Sparkman; and

Be It Further Resolved, That a copy of this resolution be spread upon the House Journal of today, in memory of the deceased; and

Be It Further Resolved, That a copy of this resolution be sent by the Chief Clerk of the House to the parents of Robert Hunter Sparkman and a second copy be sent to Representative and Mrs. Hunter.

LEMENS,
DUNLAP of Hays.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morse, Morrison, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

On the motion of Mr. Walker the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.